



WILLIAM T FUJIOKA  
Chief Executive Officer

County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

Kenneth Hahn Hall of Administration  
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*"To Enrich Lives Through Effective And Caring Service"*

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Fifth District

March 05, 2013

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS:  
INTERNAL SERVICES DEPARTMENT SPECIAL PROJECTS:  
PUENTE HILLS NEW TOWER AND COMMUNICATIONS EQUIPMENT BUILDING  
(SPECS. 7098; CAPITAL PROJECT NO. 69667)  
HAUSER PEAK NEW TOWER (SPECS. 7099; CAPITAL PROJECT NO. 69669)  
BALD MOUNTAIN NEW TOWER (SPECS. 7100; CAPITAL PROJECT NO. 69675)  
APPROVE REVISED PROJECT BUDGETS  
AWARD CONSTRUCTION CONTRACT  
(FOURTH AND FIFTH DISTRICTS)  
(3 VOTES)**

**SUBJECT**

This action will revise the total Project budgets and award a construction contract for the three Internal Services Department Special Projects: Puente Hills New Tower and Communications Equipment Building, and Hauser Peak and Bald Mountain New Towers.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Approve the revised individual Project budgets for the Internal Services Department Special Projects: \$3,936,500 for the Puente Hills New Tower and Communications Equipment Building, Capital Project No. 69667; \$946,000 for the Hauser Peak New Tower, Capital Project No. 69669; and \$850,000 for the Bald Mountain New Tower, Capital Project No. 69675.
2. Find that Cal-City Construction, Inc., is the apparent Lowest Responsive and Responsible Bidder for the Internal Services Department Special Projects: Puente Hills New Tower and Communications Equipment Building, Hauser Peak New Tower, and Bald Mountain New Tower Projects, and award a construction contract for an aggregate amount of \$3,355,680; \$2,629,203 for the Puente Hills site,

\$330,511 for the Bald Mountain site; and \$395,966 for the Hauser Peak site, subject to timely submittal to the County of satisfactory baseline construction schedules, acceptable Faithful Performance and Payment for Labor and Material Bonds, and evidence required for insurance.

3. Delegate to the Director of Public Works, or her designee, authority to determine, in accordance with the applicable contract and bid specifications, whether the contractor has satisfied the conditions for contract award; and authorize the Director of Public Works, or her designee, to execute the construction contract, in the form previously approved as to form by County Counsel, with Cal-City Construction, Inc.; and to establish the effective date of the construction contract.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is for the Board to approve the revised total Project budgets and award a construction contract for the three Internal Services Department (ISD) Special Projects: Puente Hills New Tower and Communications Equipment Building; Hauser Peak New Tower; and Bald Mountain New Towers (ISD Special Projects).

On August 28, 2012, the Board adopted Mitigated Negative Declarations (MNDs) for the three ISD Special Projects; approved revised Project budgets; adopted plans and specifications; instructed the Executive Officer of the Board of Supervisors to advertise for bids; authorized the Director of Public Works, or her designee, to execute consultant services agreements with the apparent Lowest Responsive and Responsible Bidder to prepare baseline construction schedules and schedule of values; delegated to the Director of Public Works, or her designee, the authority to determine if bids were non-responsive and to reject bids on such basis; and delegated to the Director of Public Works, or her designee, the authority to award any combination of the three ISD Special Projects as long as bids came in within the estimated construction cost of \$1,912,000 for the Puente Hills Project; \$457,000 for the Hauser Peak Project; and \$435,000 for the Bald Mountain Project (\$2,804,000 aggregate).

On October 16, 2012, three bids were submitted from potential proposers. Cal-City Construction Inc., (Cal-City), was determined to be the Lowest Responsive and Responsible Bidder with an aggregate bid of \$3,363,280 (\$2,632,403 for Puente Hills, \$332,711 for Bald Mountain, and \$398,166 for Hauser Peak). Since bids came in over budget, we are returning to the Board to award a construction contract for the three ISD Special Projects. As authorized by the Board on August 28, 2012, consultant services agreements have been executed with Cal-City to prepare baseline construction schedules and schedule of values for an aggregate \$7,600 not-to-exceed fee. This amount will be subtracted from Cal-City's lump sum bid as described in the Instructions to Bidders.

On January 10, 2013, Communication Services, Inc. (CSI), submitted a formal bid protest to the award of a construction contract to Cal-City on the grounds that Cal-City's bid was non-responsive and/or that Cal-City was not a responsible contractor alleging Cal-City did not have the minimum experience requirements required by the invitation for bids. On January 15, 2013, the Department of Public Works (Public Works) notified CSI that they had 24 hours to submit any additional relevant information to substantiate their protest; however, CSI elected not to supplement its protest. On January 17, 2013, an independent review of the protest was undertaken by a senior Public Works' staff person who was not directly involved with the ISD Special Projects, and it was determined that Cal-City's bid was responsive and that Cal-City met the minimum experience requirements and was a responsive bidder. Public Works found that Cal-City met certain minimum experience requirements by listing an adequately experienced subcontractor, and that the County's bid documents permitted such requirements to be satisfied in that manner. On January 17, 2013, CSI

was formally notified of Public Works' decision to deny the protest and to continue with the award of the construction contract to Cal-City.

#### Green Building/Sustainable Design Program

The recommended ISD Special Projects support the Board's Green Building/Sustainable Design Program by using energy efficient light fixtures and mechanical equipment in the Puente Hills New Tower and Communications Equipment Building. This will lead to a reduction in operating costs due to decreased energy consumption.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) by constructing new telecommunications infrastructure that will allow County first-responders to more effectively respond to future emergencies.

#### **FISCAL IMPACT/FINANCING**

The revised total Project budgets for the three ISD Special Projects (Puente Hills, Hauser Peak, and Bald Mountain), including plans and specifications, plan check, construction, change orders, consultant services, miscellaneous expenditures, and County services, are estimated at an aggregate of \$5,732,500. The Projects are funded through the Edward Byrne Memorial Fiscal Year (FY) 2009 Justice Assistance Grant (JAG FY 2009) funds. There is no impact to net County cost.

There is sufficient funding in Capital Projects 69667, 69669, and 69675 to fully fund the Projects.

The revised Project Schedule and Budget Summaries are included in Attachment A.

#### Operating Budget Impact

ISD does not anticipate increased maintenance costs for the improved sites in Fiscal Year 2012-13.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contract contains terms and conditions supporting the Board's ordinances and policies, including, but not limited to: County Code Chapter 2.200, Child Support Compliance Program; County Code Chapter 2.202, Contractor Responsibility and Debarment; County Code Chapter 2.203, Contractor Employee Jury Service Program; County Code Chapter 2.206, Defaulted Property Tax Reduction Program; Board Policy 5.050, County's Greater Avenues for Independence (GAIN) and General Relief Opportunities for Work (GROW) Programs; Board Policy 5.060, Reporting of Improper Solicitations; Board Policy 5.110, Contract Language to Assist in Placement of Displaced County Workers; and Board Policy 5.135, Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law).

Applicable law, including the State Public Contract Code, requires the County to award a construction contract to the apparent Lowest Responsive and Responsible Bidder, which refers to the firm that: (1) submits the lowest-priced bid; (2) is deemed by the County to be "responsive" to specific criteria under the solicitation, including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a "responsible" Bidder by exhibiting the quality, fitness, capacity, experience, and trustworthiness to satisfactorily perform the work required under the bid solicitation.

As part of the contract award to the Lowest Responsive and Responsible Bidder, Cal City was required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractors State License Board labor law/payroll violations, and debarment actions. As provided for in Board Policy 5.140, the information reported by the Bidder was considered before making a recommendation to award.

Per the Board's Civic Art Policy adopted on December 7, 2004, and revised on December 15, 2009, the Civic Arts fees do not apply to the ISD Special Projects.

### **ENVIRONMENTAL DOCUMENTATION**

On August 28, 2012, the Board adopted final MNDs for the three ISD Special Projects and found that the Bald Mountain New Tower Project will have no effect on fish and wildlife. On August 28, 2012, Public Works filed a Certificate of Fee Exemption with the Registrar-Recorder/County Clerk in accordance with Section 711.4 of the California Fish and Game Code for the Bald Mountain New Tower Project and a Notice of Determination for each Project in accordance with Section 21152(a) of the California Public Resources Code.

### **CONTRACTING PROCESS**

A standard contract, in the form previously approved by County Counsel, will be used. The standard Board-directed clauses that provide for contract termination, renegotiation, and hiring qualified displaced County employees will be included in the contracts.

On August 28, 2012, the Board adopted plans and specifications for the ISD Special Projects and instructed the Executive Officer of the Board of Supervisors to advertise for construction bids. On October 16, 2012, Public Works received three bids (bid results included in Attachment B). Cal-City was found to be the apparent Lowest Responsive and Responsible Bidder.

As authorized by the Board on August 28, 2012, consultant services agreements for the preparation of baseline construction schedules and schedule of values have been executed with Cal-City.

As required by the Board, language has been incorporated into the Projects' specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees that they may be eligible for the Federal Earned Income Credit under the Federal income tax law (Federal Income Tax Law, Internal Revenue Service Notice 1015).

As requested by the Board on February 3, 1998, this contract opportunity was listed on the Doing Business With Us website.

The contract requires the contractor to pay its employees applicable prevailing wages in accordance with the California Labor Code.

Cal-City's Community Business Enterprise participation data and 3-year contracting history with the County are on file with Public Works.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The Honorable Board of Supervisors

3/5/2013

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There will be no negative impact on current County services or projects during the performance of the recommended services. The existing three Project sites will remain operational during construction of the improvements.

**CONCLUSION**

Please return one adopted copy of this Board letter to the Chief Executive Office, Capital Projects Division; Internal Services Department, Telecommunications Branch; and Public Works, Project Management Division II.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. T. Fujioka', with a long horizontal line extending to the right.

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:RLR:DJT

SW:CY:cvb

Enclosures

c: Executive Office, Board of Supervisors  
County Counsel  
Auditor-Controller  
Internal Services  
Public Works

**DEPARTMENT OF PUBLIC WORKS:  
INTERNAL SERVICES DEPARTMENT SPECIAL PROJECTS:  
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**I. PROJECT SCHEDULE \***

<b>Project Activity</b>	<b>Scheduled Completion Date</b>	<b>Revised Completion Date</b>
Project Needs Assessment	08/30/10**	N/A
Environmental Documents	01/19/12**	N/A
Design		
Construction Documents	12/14/11**	N/A
Jurisdictional Approvals	03/15/12**	N/A
Construction Bid and Award	10/25/12**	03/05/13
Construction		
Substantial Completion	08/26/13	12/26/13
Project Acceptance	11/18/13	02/25/14

\*Schedule is applicable to all three projects, as they will be carried out concurrently.

\*\*Indicates a completed activity.

## II. PROJECT BUDGET SUMMARY

### Puente Hills New Tower and Communications Equipment Building

Budget Category	Project Budget	Impact of This Action	Revised Project Budget
Construction			
Low Bid Contract	\$ 1,739,000	\$ 894,000	\$ 2,633,000
Bid Contingency (10 percent)	\$ 191,000	(\$ 191,000)	\$ 0
Change Orders (10 percent)	\$ 173,000	\$ 90,000	\$ 263,000
Utility Connections	<u>\$ 60,000</u>	<u>\$ 10,000</u>	<u>\$ 70,000</u>
Subtotal	\$ 2,163,000	\$ 803,000	\$ 2,966,000
Consultant Services			
Deputy Inspection	\$ 15,000	\$ 30,000	\$ 45,000
Hazardous Materials (Methane Proposal)	\$ 7,000	\$ 4,000	\$ 11,000
Geotech/Soils Test	\$ 3,000	\$ 0	\$ 3,000
Material Testing	\$ 10,000	\$ 30,000	\$ 40,000
Cost Estimating	\$ 7,000	\$ 0	\$ 7,000
RF Energy Testing	\$ 5,000	\$ 0	\$ 5,000
Pre-Construction Bird Survey and Monitoring	\$ 18,000	\$ 0	\$ 18,000
Archeologist	\$ 2,000	\$ 0	\$ 2,000
Title Reports	\$ 5,000	\$ 0	\$ 5,000
Environmental (CEQA/NEPA)	\$ 61,000	\$ 0	\$ 61,000
Paleontologist	<u>\$ 9,000</u>	<u>\$ 0</u>	<u>\$ 9,000</u>
Subtotal	\$ 142,000	\$ 64,000	\$ 206,000
Miscellaneous Expenditures			
Printing	\$ 3,000	\$ 0	\$ 3,000
Jurisdictional Review/Plan Check/Permit	\$ 22,000	\$ 6,000	\$ 28,000
County Services			
Code Compliance and Quality Control Inspections	\$ 57,000	\$ 26,000	\$ 83,000
Design Services	\$ 217,000	\$ 13,000	\$ 230,000
Contract Administration	\$ 11,000	\$ 7,000	\$ 18,000
Project Management	\$ 180,000	\$ 118,500	\$ 298,500
Secretarial	\$ 13,000	\$ 7,000	\$ 20,000
Document Control	\$ 9,000	\$ 11,000	\$ 20,000
Project Technical Support	\$ 20,000	\$ 20,000	\$ 40,000
Consultant Contract Recovery	\$ 1,000	\$ 4,000	\$ 5,000
Office of Affirmative Action	<u>\$ 11,000</u>	<u>\$ 8,000</u>	<u>\$ 19,000</u>
Subtotal	\$ 519,000	\$ 214,500	\$ 733,500
<b>Total</b>	<b>\$ 2,849,000</b>	<b>\$ 1,087,500</b>	<b>\$ 3,936,500</b>

**II. PROJECT BUDGET SUMMARY**  
**Hauser Peak New Tower**

<b>Budget Category</b>	<b>Project Budget</b>	<b>Impact of This Action</b>	<b>Revised Project Budget</b>
<b>Construction</b>			
Low Bid Contract	\$ 415,000	(\$ 16,000)	\$ 399,000
Bid Contingency (10 percent)	\$ 42,000	(\$ 42,000)	\$ 0
Change Orders (10 percent)	<u>\$ 46,000</u>	<u>(\$ 6,000)</u>	<u>\$ 40,000</u>
Subtotal	\$ 503,000	(\$ 64,000)	\$ 439,000
<b>Consultant Services</b>			
Deputy Inspection	\$ 15,000	\$ 0	\$ 15,000
Hazardous Materials	\$ 2,000	\$ 0	\$ 2,000
Material Testing	\$ 7,000	\$ 0	\$ 7,000
Cost Estimating	\$ 0	\$ 5,000	\$ 5,000
Paleontologist	\$ 8,000	\$ 0	\$ 8,000
Pre-Construction Bird Survey and Monitoring	\$ 17,000	\$ 0	\$ 17,000
Environmental (CEQA/NEPA)	\$ 49,000	\$ 0	\$ 49,000
Archeologist	<u>\$ 2,000</u>	<u>\$ 0</u>	<u>\$ 2,000</u>
Subtotal	\$ 100,000	\$ 5,000	\$ 105,000
<b>Miscellaneous Expenditures</b>			
Printing	\$ 1,000	\$ 0	\$ 1,000
<b>Jurisdictional Review/Plan Check/Permit</b>	\$ 9,000	\$ 15,000	\$ 24,000
<b>County Services</b>			
Code Compliance and Quality Control Inspections	\$ 21,000	\$ 19,000	\$ 40,000
Design Services	\$ 36,000	\$ 14,000	\$ 50,000
Contract Administration	\$ 10,000	\$ 2,000	\$ 12,000
Project Management	\$ 175,000	\$ 50,000	\$ 225,000
Secretarial	\$ 9,000	\$ 3,000	\$ 12,000
Document Control	\$ 5,000	\$ 5,000	\$ 10,000
Project Technical Support	\$ 9,000	\$ 12,000	\$ 21,000
Consultant Contract Recovery	\$ 1,000	\$ 1,000	\$ 2,000
Office of Affirmative Action	<u>\$ 4,000</u>	<u>\$ 1,000</u>	<u>\$ 5,000</u>
Subtotal	\$ 270,000	\$ 107,000	\$ 377,000
<b>Total</b>	<b>\$ 883,000</b>	<b>\$ 63,000</b>	<b>\$ 946,000</b>



### III. PROJECT BUDGET SUMMARY Bald Mountain New Tower

Budget Category	Project Budget	Impact of This Action	Revised Project Budget
Construction			
Low Bid Contract	\$ 395,000	(\$ 62,000)	\$ 333,000
Bid Contingency (10 percent)	\$ 40,000	(\$ 40,000)	\$ 0
Change Orders (10 percent)	\$ 44,000	(\$ 11,000)	\$ 33,000
Utility Connections	\$ 0	\$ 0	\$ 0
Subtotal	\$ 479,000	(\$ 113,000)	\$ 366,000
Consultant Services			
Deputy Inspection	\$ 15,000	\$ 0	\$ 15,000
Archeologist	\$ 2,000	\$ 0	\$ 2,000
Geotech/Soils Test	\$ 1,000	\$ 0	\$ 1,000
Material Testing	\$ 8,000	\$ 0	\$ 8,000
Cost Estimating	\$ 0	\$ 5,000	\$ 5,000
Topographic Survey	\$ 4,000	\$ 0	\$ 4,000
Environmental (CEQA/NEPA)	\$ 49,000	\$ 0	\$ 49,000
Paleontologist	\$ 9,000	\$ 0	\$ 9,000
Subtotal	\$ 88,000	\$ 5,000	\$ 93,000
Miscellaneous Expenditures			
Printing	\$ 2,000	\$ 0	\$ 2,000
Jurisdictional Review/Plan Check/Permit	\$ 11,000	(\$ 1,000)	\$ 10,000
County Services			
Code Compliance and Quality Control Inspections	\$ 22,000	\$ 18,000	\$ 40,000
Design Services	\$ 37,000	\$ 13,000	\$ 50,000
Contract Administration	\$ 11,000	\$ 1,000	\$ 12,000
Project Management	\$ 171,000	\$ 54,000	\$ 225,000
Secretarial	\$ 10,000	\$ 5,000	\$ 15,000
Document Control	\$ 5,000	\$ 5,000	\$ 10,000
Project Technical Support	\$ 11,000	\$ 9,000	\$ 20,000
Consultant Contract Recovery	\$ 1,000	\$ 1,000	\$ 2,000
Office of Affirmative Action	\$ 4,000	\$ 1,000	\$ 5,000
Subtotal	\$ 272,000	\$ 107,000	\$ 379,000
<b>Total</b>	<b>\$ 852,000</b>	<b>(\$ 2,000)</b>	<b>\$ 850,000</b>